

**STATE OF INDIANA – FAYETTE COUNTY
IN THE CIRCUIT AND SUPERIOR COURT**

Notice of Proposed Local Rule Amendment, Finding Good Cause to Deviate From
Established Schedule, and Request for Supreme Court Approval

May 6, 2011

The judges of the Fayette Circuit Court and Fayette Superior Court, pursuant to Trial Rule 81(B), gives notice of an amendment to the local court rule concerning special judge assignments in civil cases, **LR21-TR00-TR-26**, and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the proposed amendments concerning special judge assignments in civil cases.

Notice will be given to the public by posting with the Fayette County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Fayette County Bar Association.

Comments may be made until **June 15, 2011** to Judge Ronald T. Urdal, Fayette Superior Court, 401 N. Central Avenue, Connersville, IN 47331, or by email to ronurdal@co.fayette.in.us.

This rule amendment will be effective on **July 1, 2011**, subject to approval by the Indiana Supreme Court.

DATED this 6th day of May, 2011.

_____/S/_____
Ronald T. Urdal, Judge
Fayette Superior Court

_____/S/_____
Beth Ann Butsch, Judge
Fayette Circuit Court

LR21-TR00 79(H)-TR-26

SPECIAL JUDGE SELECTION

~~When the Judge recuses himself or in the event a special judge selected pursuant to Trial Rule 79(D), (E), or (F) does not accept the case, a special judge shall be designated by the Clerk of the Fayette Circuit Court in sequence from the following list of judges, to-wit:~~

- ~~1. Daniel Lee Pflum, Judge, Fayette Circuit Court~~
- ~~2. Ronald T. Urdal, Judge, Fayette Superior Court~~
- ~~3. J. Steven Cox, Judge, Franklin Circuit Court 1~~
- ~~4. Clay M. Kellerman, Judge, Franklin Circuit Court 2~~
- ~~5. David E. Northam, Judge, Rush Circuit Court~~
- ~~6. Brian D. Hill, Judge, Rush Superior Court~~
- ~~7. Matthew R. Cox, Judge, Union Circuit Court~~
- ~~8. David A. Kolger, Judge, Wayne Circuit Court~~
- ~~9. Charles K. Todd, Judge, Wayne Superior Court No. 1~~
- ~~10. Gregory Horn, Judge, Wayne Superior Court No. 2~~
- ~~11. Darrin Dolehanty, Judge, Wayne Superior Court No. 3~~

~~The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.~~

~~In the event a judge ceases to serve as judge, the Clerk shall substitute the name of his or her successor in the above rotation.~~

(A) Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of the other Fayette County judge or full-time judicial officers, or senior judges assigned to the court. If a sufficient number of Fayette County judges or full-time judicial officers, or senior judges assigned to the court do not exist, then a panel shall be named including the available Fayette County judge or full-time judicial officers, or senior judges assigned to the court, and judges or full-time judicial officers from courts within the judicial administrative district of which Fayette County is a member, and judges or full-time judicial officers from contiguous counties outside of the judicial administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers, or senior judges assigned to the court, eligible under Trial Rule 79(J) from counties within the judicial administrative district of which Fayette County is a member, and judges or full-time judicial officers from contiguous counties outside the judicial administrative district who have agreed to serve as a special judge in the court where the case is pending.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

(B) Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers, or senior judges assigned to the court, eligible under Trial Rule 79(J) from counties within the judicial administrative district of which Fayette County is a member, and judges or full-time judicial officers from contiguous counties outside the judicial administrative district who have agreed to serve as a special judge in the court where the case is pending.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.